

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY  
COUNTY, VIRGINIA HELD ON THE 22ND DAY OF APRIL, 2002 AT 7:15 P.M. IN  
COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Angie Hill	-Director Financial & Management Services
	Ron Bonnema	-County Engineer
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

#### **Rezoning Request - Norwood Development**

**Norwood Development (Agent: Gay & Kessee, Inc.)** requests to rezone 4.27 acres from General Business (GB) and 9.06 acres from Agriculture (A-1) to Light Industrial (M-L), with possible proffered conditions, to allow storage warehouses. The property is located on the north side of Radford Road (US Route 11), east of the Rock Road (SR 688 ) intersection and is identified as Tax Parcel No. 90-A-35, 90-A-38, 90-A-39 and a portion of 90-A-37 (Acct ID #'s 015052, 020774, 006165, and 017479) in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Chair announced, with the consensus of the Board, that the public hearing was continued to June 24,

2002 pending a recommendation from the Planning Commission.

There being no speakers, the public hearing was continued to June 24, 2002.

#### Special Use Permit- Henry Sink

**Henry Sink requests a Special Use Permit** in Agriculture (A-1) on a 15 acre tract, with possible conditions, on Tax Parcel Nos. 106-4-1,2,3,4 (Account ID #010156) for a general store. Property is located on the east side of Riner Road (Route 8) approximately 1500 feet north of the Childress Road (SR 638) intersection, in the Riner Magisterial District. The property lies in an area designated Agriculture in the Comprehensive Plan.

At their meeting on April 10, 2002, the Planning Commission found the request to be in conformance with the Comprehensive Plan and recommended approval to the Board of Supervisors subject to the following conditions:

1. Use is for general store and ice cream shop only. The business shall not exceed 2,000 square feet.
2. A site plan must be submitted prior to development. If the total amount of disturbed area exceeds 10,000 square feet, an Erosion and Sediment Control plan must be submitted to the County Engineer. The parking area shall be no closer than 100 feet to any adjacent residences, other than the owner's dwelling.
3. Must obtain a State Health Department permit for food.

Henry Sink, applicant, was available to answer any questions the Board may have.

There being no speakers, the public hearing was closed.

#### **PUBLIC ADDRESS SESSION**

George Newcomb, Co-chair, American Cancer Society, addressed the Board concerning the Relay for Life event held annually in Montgomery County. The Relay for Life is an event to raise money for the cause of cancer. Mr. Newcomb invited the Board members to attend the opening ceremony to be held Friday, May 17, 2002 at 6:00 p.m. at Christiansburg High School. The first lap is walked by cancer survivors and the second lap will be walked by government officials. Their goal this year is to raise \$100,000.00.

Melinda Smith, addressed the Board in support of a library in Elliston/Lafayette. Ms. Smith stated she is a teacher and is very excited about this project. A library will improve the educational opportunities for

the citizens of Shawsville and Elliston. She urged the Board to move forward quickly as there has been private donations for this project they don't want to lose.

Bill Ellenbogen expressed his support for the proposed boundary line adjustment with the Town of Blacksburg. He urged the Board to vote for approval.

There being no further speakers, the public address session was closed.

### **ADD TO THE AGENDA - ADDENDUM**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the following addendum dated April 22, 2002 was added to the agenda:

#### **A. INTO CLOSED MEETING**

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

#### **2. MUNIS**

#### **B. NEW BUSINESS:**

Industry Appreciation Week Resolution

The vote on the foregoing motion was as follows:

#### **AYE**

James D. Politis  
Gary D. Creed  
Larry N. Rush  
John A. Muffo  
C.P. Shorter  
Annette S. Perkins  
Mary W. Biggs

#### **NAY**

None

## **CONSENT AGENDA**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously, the Consent Agenda dated April 22, 2002 was approved.

The vote on the foregoing motion was as follow:

### **AYE**

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Gary D. Creed  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

### **NAY**

None

## **School Funds - Supplemental Appropriation**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

09	School Operating Fund	
	563000 Transportation	\$ 250,000

The sources of funds for the foregoing appropriation is as follows:

### **Revenue Account:**

09 424244	Bond Proceeds	\$250,000
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Said resolution appropriates bond proceeds.

## **County Health Department: Supplemental Appropriation**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

530	County Health Department	\$5,270
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

451203	Transfer from Undesignated Fund Balance	\$5,270
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Said resolution appropriates fund balance to cover the County's local match to the State's contribution for the County Health Department.

**Revenue Refunds: Supplemental Appropriation**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

900	Revenue Refunds	\$50,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

400BRE	2000B Real Estate Taxes	\$50,000
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Said resolution appropriates additional funds for the payment of revenue refunds.

**Appointment - New River Valley Visitors Alliance**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints

James D. Politis to Virginia's New River Valley Visitor's Alliance effective May 9, 2002 and expiring May 8, 2003.

**Speed Study Request -Harding Road (SR 785)**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Harding Road from the intersection at Harding Road and Lusters Gate Road to Ascot Road for approximately 2.2. miles to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

**OLD BUSINESS**

**Boundary Line Adjustment Agreement -Town of Blacksburg**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF MONTGOMERY, VIRGINIA,  
APPROVING A BOUNDARY LINE ADJUSTMENT AGREEMENT  
BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA AND  
THE TOWN OF BLACKSBURG, VIRGINIA AND  
AUTHORIZING THE FILING OF A JOINT PETITION  
PURSUANT TO SECTION 15.2-3106, ET SEQ, OF THE  
CODE OF VIRGINIA, 1950, AS AMENDED TO  
APPROVE THE AGREEMENT**

WHEREAS, The County of Montgomery and the Town of Blacksburg have entered into negotiations regarding a voluntary change of the boundary line between them for the purpose of incorporating within the Town approximately fifteen (15) acres of land located at the southwest boundary of the Town of Blacksburg adjacent to Montgomery Regional Hospital; and

WHEREAS, The incorporation of the fifteen (15) acres into the Town will not adversely affect the ability of the County to meet the needs of its residents, both within and without the Town corporate limits; and

WHEREAS, The proposed changes of the boundary line between the County and the Town will further the interest of the Commonwealth of Virginia in promoting the orderly growth and the continued viability of its local governments; and

WHEREAS, The County and the Town are now prepared to enter into an agreement providing for the incorporation of such property into the Town.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that:

1. The Board of Supervisors of the County of Montgomery, Virginia, hereby approve the Boundary Line Adjustment Agreement Between the County of Montgomery and the Town of Blacksburg (the "Agreement"), a copy of which is attached hereto, and hereby authorizes and directs its Chairperson, Mary W. Biggs to execute the Agreement on behalf of the County.
2. The County Administrator and County Attorney are hereby directed to petition the Circuit Court of Montgomery County, Virginia to affirm and validate the Agreement and to establish the new boundary line between the County and the Town pursuant to Section 15.2-3106 et seq of the Code of Virginia, 1950, as amended.

IN WITNESS WHEREOF, The Board of Supervisors of the County of Montgomery, Virginia has caused this Resolution to be duly executed on its behalf by its Chair and attested by its Clerk.

The vote on the foregoing motion was as follows:

AYE

C.P. Shorter

James D. Politis

Gary D. Creed

Annette S. Perkins

NAY

None

April 22, 2002

Page 7 of 16

John A. Muffo  
Larry N. Rush  
Mary W. Biggs

## **NEW BUSINESS**

### **Centralized Accounting**

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the County Administrator is directed to create and maintain a centralized system of accounting as authorized by §15.2-1541.1 and Title 30 of the *Code of Virginia* .

Said resolution authorizes a centralized accounting system for Montgomery County.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
C.P. Shorter	
Mary W. Biggs	

### **Industry Appreciation Week**

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors recognizes the role of existing



businesses and industries in the thriving economy of Montgomery County; and

WHEREAS, Existing businesses and industries provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing businesses and industries make significant contributions to promote educational opportunities and a variety of activities which increases the quality of life in the County; and

WHEREAS, Existing businesses and industries provide revenues from which the entire citizenry benefits.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

FURTHER, BE IT RESOLVED , That the Board of Supervisors hereby declares the week of **May 12-18, 2002, Industry Appreciation Week** in Montgomery County.

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo None

Larry N. Rush

Gary D. Creed

C.P. Shorter

James D. Politis

Annette S. Perkins

Mary W. Biggs

**INTO WORK SESSION**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2002-2003 Budget
2. Courthouse Renovation

April 22, 2002

Page 9 of 16

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
C.P. Shorter	
James D. Politis	
Mary W. Biggs	

### **OUT OF WORK SESSION**

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Larry N. Rush	
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Mary W. Biggs	

### **COUNTY ADMINISTRATOR'S REPORT**

#### **County/Town Liaison Meeting Water Service to the East Side of Christiansburg Mountain**

The County Administrator reported that the Town of Christiansburg stated they would serve the area in the County located to the east of Christiansburg Mountain as stated in the water agreement but they would not pay for the cost to extend the line. County staff is investigating other funding possibilities, including grants.

### Boundary Line Adjustment

The Town of Christiansburg has requested a boundary line adjustment at the new Christiansburg Middle School and for the new 3-A road. The County Administrator suggested that the Utilities Committee schedule a meeting to discuss the request.

### New Government Center

A tentative date of June 14, 2002 has been scheduled for the ribbon cutting of the new Government Center.

## **BOARD MEMBERS' REPORTS**

Supervisor Shorter Norris Run Road Supervisor Shorter requested the status of the speed study request on Norris Run Road and the status of guardrail installation. He asked if the Sheriff's department could set up radar along Norris Run Road for a few days.

Radford Arsenal Supervisor Shorter reported that Radford Arsenal has cut an estimated 50 acres of trees around their property along the river. Also, he is concerned with their plans to close the right-of-way on the New River and closing Whitethorne Boat Landing.

Supervisor Rush received several comments on how large the new Government Center is. He wanted to let the citizens of Montgomery County know that the County purchased the building and land for \$65,000. The cost of renovations was \$7 million but the County could not have purchased land or constructed a new building for the cost of the renovations.

Supervisor Muffo attended the Community Convocation meeting, sponsored by the Human Relations Council of Montgomery County, held April 20, 2002 at the Falling Branch Elementary School and the joint dinner/meeting with the School Board.

Brommin & Bloomin annual event was held April 20, 2002. There was a very good turn out. Supervisor Muffo noted that the road he helped clean up last year had a remarkable less amount of trash this year. Once the data has been collected and analyzed, it can be determined whether allowing white goods and bulk items at the consolidated sites has made a difference in illegal dumping.

Supervisor Perkins attended the Community Convocation meeting that was held April 20, 2002 at the Falling Branch Elementary School.

Facilities Planning Team Supervisor Perkins reported that the scheduled meetings for the Facilities Planning Team for use of vacant schools is as follows:

April 23, 2002 - Draft of the Facilities Use Report  
May 2, 2002-Finalize Report  
May 15,2002 Submit Report to the School Board  
May 22, 2002 Presentation of Report to School Board  
June 4, 2002 - School Board discussion of report.

Supervisor Creed No Report

Supervisor Politis received several calls concerning the speed limit on Childress Road. Supervisor Politis stated that only a portion of Childress Road was lowered when VDOT conducted a speed study last year. He believes the entire road should have the same speed. The County Administrator suggested that the residents submit a petition for a speed study. Supervisor Politis stated he would pass along this information and get the process going.

Computer Issues Supervisor Politis attended a meeting with the County's Information Management Services Department, County Administrator and the Commissioner of Revenue to discuss the problems they are having with the computer server.

Supervisor Biggs Elliston Volunteer Fire Department open house is scheduled for April 26 & 27<sup>th</sup>. Board members are invited. Supervisor Biggs attended the Anniversary Dinner and presented the volunteers with the Resolution of Appreciation.

Delinquent Taxes Supervisor Biggs received a call concerning the notices sent out about delinquent taxes. She noted that the citizens didn't know who to call with questions, the Treasurer or the Auditors. One gentleman was concerned about the long it took to process payments. He sent in a payment for real estate taxes in November 2001 and it was not processed until January 2002.

## **INTO CLOSED MEETING**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711        (1)    Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Parks and Recreation Commission

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Blacksburg Shell Building  
2. MUNIS

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
C.P. Shorter	
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Mary W. Biggs	

**OUT OF CLOSED MEETING**

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Gary D. Creed  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

NAY

None

**CERTIFICATION OF CLOSED MEETING**

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush  
C.P. Shorter  
James D. Politis  
Gary D. Creed  
Annette S. Perkins  
John A. Muffo  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**Appointment - Parks and Recreation Commission**

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **W. Darlene Oliver** to the Parks and Recreation Commission as representative for District C effective April 23, 2002 and expiring December 31, 2004.

Said appointment fills the unexpired term of Vic Ham, resigned.

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
Larry N. Rush  
Annette S. Perkins  
James D. Politis  
C.P. Shorter  
John A. Muffo  
Mary W. Biggs

NAY

None

**ADJOURNMENT**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, April 29, 2002 at 7:15 p.m. at the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush  
Annette S. Perkins  
James D. Politis  
C.P. Shorter  
John A. Muffo  
Gary D. Creed  
Mary W. Biggs

NAY

None

The meeting adjourned at 11:00 p.m.